

The Chair, Lloyd Sullivan at 7:00pm called the regularly scheduled Selectmen's meeting to order. Those present included Jack Steiner and Jenifer Landman (Selectmen), and Russell McAllister (Town Administrator).

Questions & Comments

The Chair opened the meeting by noting that the Board had convened in the Town Hall due to the size of the crowd. Several previously scheduled agenda items had been cancelled so that the Board could address the issue of reimbursement of legal costs for Mr. & Mrs. Landman.

Ms. Landman provided a brief synopsis of the issues of Mr. Landman's dismissal as an RPC representative and the status of the ex officio member to the planning board. Ms. Landman described the sequence of Mr. Landman's dismissal as an RPC representative noting that the action by the Board was improper and lacked legal authority. Mr. Landman subsequently engaged the legal services of Bernie Waugh who pointed out that his dismissal by the Board of Selectmen was illegal. The Board, as a consequence, reversed its decision. Ms. Landman reiterated several points noting that Town Counsel issued a written opinion on ex-officio status for Mr. Sullivan that differed, from the majority vote of the Board that had voted to have Ms. Landman seated as the ex officio member to the planning board. Because the Town Attorney had provided an opinion that did not represent the action voted on by the majority of the Board it posed a conflict of interest for the Town Attorney. Therefore, Ms. Landman explained, it became necessary to take action to legally defend her standing as an ex officio member to the planning board. Due to time constraints Ms. Landman arranged legal representation with Bernie Waugh.

A period for public comments was next opened.

Public Comments (synopsis)

Mr. Phil Wilson spoke at length on the issue and favored the reimbursement by the town of M/M Landman's legal expenses. Mr. Wilson disputed the position of those who did not favor the reimbursement of legal fees noting the unique circumstances of the situation and the kind [wrong] message it sent to volunteers who acted in the best interests of the town. Mr. Wilson characterized what was at stake in the issue was the representation of the voters and a correctly constituted [planning] board.

One member of the audience wanted to know what was so important about sitting on the planning board.

An attorney in the audience (Ken) representing Mr. Donald Gould disputed Mr. Wilson's chronology of events and further noted that the legal dispute in question was Landman v Sullivan not North Hampton v Sullivan.

Mr. Barry Donohoe did not care who won the current dispute. He emphasized that the Board did not need conflict between individual members. Members should work toward resolving the present state of conflict.

Mr. Tom Gergen stressed the need for the Board to work as a body. He noted that the discussion of setting precedent if legal fees were reimbursed, or not reimbursed would be precedent setting either way. Mr. Gergen also emphasized that democratic processes take time.

Mr. Joe Arena explained that he was a current planning board member and that as a retired doctor he could see that emotions were running high. Mr. Arena suggested that facts and not emotions be utilized in the decision making and that people needed to get down to brass tax.

Mr. Dick Wollmar introduced himself as a former Selectmen and called the audience's attention to the Town's Code of Ethics a 1995 resolution that was adopted by voters at Town Meeting. Mr. Wollmar read

several paragraphs from the document and noted that it was the responsibility of all officials to comport themselves in an ethical manner.

Reference was made to why the planning board ex officio position was so important by Mrs. Jones. That question was answered by Phil and Bob when each had the floor. Phil said, as well as Homer Johnson, that it was an issue of majority rule, and that the BoS had voted as to who would be their representative. The unacceptable action of Mr. Sullivan over-ruling the vote and calling a majority vote out of order was unlawful. Bob said, when he had the floor, that the planning board was responsible for long range and short term planning, and that it was very important to have people on the board whose focus was on the master plan goals and followed the ordinances and procedures to avoid lawsuits (appeals) and that there was already a case where a conditional approval was given which was in conflict with several ordinances.

Dick Wollmar presented a formal complaint that the selectmen deal with the issue of the code of ethics being broken (in turn breaking the Oath of Office) by the bulk mail piece sent out by Mr. Gould, Mr. Neves, Mr. Calson, Mr. Gordon and Mr. Mixter, as they were all elected or appointed officials.

Mr. Dan Shepard explained that he has tried to understand the issue as it has been presented in the paper. Mr. Shepard next read the text of RSA 673:5, which in his opinion made the issue clear of who and how an individual becomes an ex officio member and for how long.

Mr. Homer Johnson made two points; majority rules, and that law governs actions as well as people.

Mr. Bob Gamlin expressed his opinion as a former selectmen that reimbursement of the legal fees was wrong.

Mr. Harlan Carter characterized the current imbroglio as a disgraceful situation.

Mr. Peter Simmons handed the Board a petition he said was signed by 200 residents expressing their opposition to reimbursement of legal fees. Mr. Simmons expressed his opposition to reimbursement of legal fees.

Mr. Landman responded by noting that the Board had improperly and unlawfully discharged him and that his reinstatement was made possible by the legal representation he engaged to represent him.

Ms. Ann Shoetler agreed that a mistake had been made and that the Board should support the mistake by accepting the legal costs associated with it.

Mr. Larry Miller noted that everyone was part of a mistake and reimbursement of legal fees was part of correcting that mistake.

Mr. Jack Steiner explained that the Board would not be deciding the issue at the current meeting. The Board had contacted the NHMA for a legal opinion regarding the issue and was awaiting a reply. Mr. Steiner characterized the evening's meeting as a way for the Board to hear from interested parties. He commented that the Town was not in danger of fracturing and that the present situation was a rarity of occurrence and not a crisis. Mr. Sullivan agreed and noted that the Board had created the problem and that the Board would also solve the problem.

Selectmen Issues

Selectmen's Minutes
21 May 2001
7:00pm

Microphones for Meetings

A discussion ensued about the need for microphones to amplify the voices of those speaking at planning and zoning board meetings that are held in the Town Hall. It was agreed that audio equipment would overcome the poor acoustics of the Hall. The TA agreed to research the equipment costs and report back by the next meeting.

North Hill Landscaping

Mr. Steiner briefed the Board on an idea to landscape the steep slope on the East Side of the Bandstand. North Hill Landscaping had offered to undertake the project and that the project would be phased in by sections over a period of time. The need for some type of irrigation along side of the slope, which was approximately 500' long, was also discussed. Mr. Bob Strout (Road Agent) commented that there would most likely be complications due to drainage and also a problem with salt during the winter because of the steep grade of the slope. Discussion next turned to the general road configuration of the area surrounding the Bandstand.

Administration/Business

Mr. Steiner made the motion to accept the regular minutes of May 14th, 2001. Mr. Sullivan seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

- a. Minutes - May 14th, 2001
- b. Payroll
- c. Manifest
- d. Cemetery Deed

The TA reminded the Board that the assessor had completed work on the abatement applications and that the applications were now ready for review by the Board.

Adjournment

There being no further business to come before the Board the public meeting adjourned at approximately 8:55pm

Respectfully,

Russell McAllister
Town Administrator